

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JEFFREY GRANT,

Plaintiff,

v.

Civil Action No. **3:17CV766**

RIVERSIDE REGIONAL JAIL,

Defendant.

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on December 21, 2017, the Court conditionally docketed this action. The Court directed Plaintiff to complete and return a consent to collection of fees form. On January 2, 2018, the Court received Plaintiff's completed consent to collection of fees form. Plaintiff also wrote a letter indicating that he would be released in January 2018 and provided his home address upon his release. Since that date, Plaintiff has not updated his address or otherwise contacted the Court. By Memorandum Order entered on April 10, 2018, the Court directed Plaintiff to notify the Court of his intent to continue to litigate this action. At that time, the Court directed Plaintiff to submit a statement under oath or penalty of perjury that:


- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose and directed him to complete and return it to the Court. The Court warned Plaintiff that a failure to complete and return the *in forma pauperis* affidavit within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the orders of this Court. Plaintiff failed to respond and notify the Court of his intent to continue to litigate the action. Plaintiff also failed to return a completed *in forma pauperis* affidavit form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 5/30/18
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
United States District Judge